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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 07-0337 EMC

Plaintiff, )

v. )

JACQUELINE FROEHLICH- )  
L'HEUREAUX, )

Defendant. )

PARTIES' JOINT REQUEST TO CONTINUE  
STATUS HEARING AND [PROPOSED]  
ORDER

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Jacqueline Froehlich-L'Heureaux, Leland B. Altschuler, that, subject to the Court's approval, the status hearing presently set for September 5, 2012, be continued and set for a status hearing on January 23, 2013, at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes

JOINT REQ. & [PROPOSED] ORDER  
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1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties  
 3 jointly request that the status hearing on September 5, 2012, be continued for a status hearing on  
 4 January 23, 2013, at 2:30 p.m. Additional time is needed for the defendant to complete her  
 5 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to  
 6 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the  
 7 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The Nosal case has  
 8 been on appeal. Earlier this month, the mandate of the Ninth Circuit issued, and the parties in the  
 9 Nosal case are scheduled to appear for a status conference on August 29, 2012. The United  
 10 States anticipates that a trial date will be set at that time, or shortly thereafter. The defendant  
 11 Froehlich-L'Heureaux is expected to testify in that trial. Because Ms. Froehlich-L'Heureaux will  
 12 be required to testify at trial, her cooperation with the government's investigation is not yet  
 13 complete.

14 For all of these reasons, the parties jointly request that this Court vacate the status hearing  
 15 presently set for September 5, 2012, and set a status hearing for January 23, 2013, at 2:30 p.m.

16 SO STIPULATED.

17 Dated: August 13, 2012

MELINDA HAAG  
 United States Attorney

19  
 20 /s/  
 KYLE F. WALDINGER  
 Assistant United States Attorney

22 SO STIPULATED.

23 Dated: August 13, 2012

24 /s/  
 LELAND B. ALTSCHULER  
 Attorney for defendant Froehlich-L'Heureaux

26 ~~[PROPOSED]~~ ORDER

27 GOOD CAUSE APPEARING,

28 IT IS ORDERED that the sentencing hearing presently set for September 5, 2012, be

1 continued to January 23, 2013, at 2:30 p.m.

2 Dated this 13<sup>th</sup>  
3 day of August, 2012

4  
5 HONORABLE  
6 UNITED STATES

